

REMARKS

This Response is submitted in reply to the Office Action dated August 17, 2007. Claims 1, 9, 10, 21, 42 to 46 and 48 have been amended. No new matter was added by these amendments. Claims 12 to 20, 23 to 41 and 49 to 56 were withdrawn without prejudice or disclaimer in view of the species election.

A Request for Continued Examination (RCE) is submitted herewith. Please charge deposit account number 02-1818 to cover the cost of the RCE and any other fees due in connection with the filing of this Response.

The Office Action rejected Claims 1 to 11, 21, 22, 42 to 48, 57 and 58 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,855,054 to White ("White") in view of U.S. Patent No. 6,905,405 to McClintic ("McClintic") and U.S. Publication No. 2004/0097280 to Gauselmann ("Gauselmann"). Applicants respectfully disagree with this rejection. Nevertheless, Applicants have amended certain claims to clarify certain of the existing claim elements and place the claims in condition for allowance.

White discloses a gaming device including a plurality of symbols where at least one symbol may be interchanged with another symbol of the plurality of symbols. In one embodiment, after the gaming device randomly generates a combination of symbols, a player is given the opportunity to select a symbol for interchanging with another symbol in order to achieve a more advantageous symbol combination.

In one embodiment of White, after the player selects a symbol for interchanging, directional arrows appear, providing an indication of one or more permissible directions of shifting. (Column 10, lines 56 to 58).

McClintic discloses a method of playing a gaming device including a plurality of symbol carriers. Each symbol carrier includes a plurality of continuously visible symbols. (See Figs. 7 and 8). At least one symbol included on each of the plurality of symbol carriers may be indicated at the end of a play sequence as a chosen symbol, by way of at least one individualized indicator. In one embodiment the symbol indicator is a pointer. (See Fig. 6A, reference character 442a and Fig. 8). A combination of chosen symbols is randomly generated during play, and movement of the symbol carriers,

indicators or both, as well as the results of play, are displayed on a video display or are otherwise communicated to the player.

Gauselmann discloses a gaming machine which displays an array of symbols. If a triggering event occurs, one or more symbols in the array can be replaced with other symbols such by shifting the symbols or by exchanging symbols. The changing of the symbol array may be controlled by the player or controlled automatically.

The gaming device of Claim 1, for example, includes at least one processor programmed to operate with at least one display device to: generate and simultaneously display a plurality of symbols, each of said plurality of symbols being displayed at one of a plurality of positions; determine if a winning combination of symbols is displayed at the positions; if a winning combination of symbols is displayed at the positions, provide a first award to a player for each winning combination of displayed symbols; determine if, for each of the positions, a swapping indicator is displayed at the position simultaneously with the symbol displayed at the position; if at least three swapping indicators are displayed in a predetermined configuration with respect to one another, indicate symbols to be rearranged and automatically rearrange each of the indicated symbols to the positions of the other indicated symbols in a manner dictated by the predetermined configuration; and provide a second award to the player for each winning combination of displayed symbols resulting from the rearrangement of the indicated symbols.

Neither White, McClintic nor Gauselmann disclose at least one processor programmed to operate with at least one display device to display a symbol and a swapping indicator at a position simultaneously.

In White, directional arrows are displayed which indicate directions in which a symbol may be shifted after the player selects a symbol for interchanging. Accordingly, even if the directional arrow were construed as a "symbol indicator," it is not simultaneously displayed along with any symbol it is associated with.

Further, neither White, McClintic nor Gauselmann disclose at least one processor programmed to operate with at least one display device to determine if, for each of the positions, a swapping indicator is displayed at the position simultaneously with the

symbol displayed at the position, and if at least three swapping indicators are displayed in a predetermined configuration with respect to one another, indicate symbols to be rearranged and automatically rearrange each of the indicated symbols to the positions of the other indicated symbols in a manner dictated by the predetermined configuration.

For illustrative purposes only, see the series of figures in the subject application beginning with Fig. 3. Symbol indicators 104a, 104b, 104c and 104d are displayed along with symbols 102a, 102b, 102c and 102d. In this example, the configuration of the symbol indicators relative to one another dictates that symbols 102a to 102d be rearranged and, referring to Fig. 3B, that they be rotated counterclockwise. In other words, the symbol indicators not only indicate what symbols will move, but how they will move.

In White, symbols are not rearranged in a manner dictated by a predetermined configuration of symbol indicators. Even if one were to construe the directional arrows in White as symbol indicators, the directional arrows indicate permissible shift directions subsequent to player selection of a symbol for interchanging, not what symbols will be rearranged and how. In McClintic, the symbol indicators have no correlation to a rearrangement of symbols.

For at least these reasons, Applicants respectfully submit that Claims 1 to 11, 21, 22, 42 to 48, 57 and 58 are patentable over the combination of White, McClintic and Gauselmann and in condition for formal allowance.

Applicants have made an earnest endeavor to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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